

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 5 OF 2005

SHRI ALFREDO JOSE ESTANISLAU
FERNANDES

....Appellant

Versus

SMT. PATROCINA VAZ AND 19 ORS.,

....Respondents

Shri A.F. Diniz, Advocate for the Appellant.

Coram:- R. M. LODHA, J.

Date:- 5th October, 2005

P.C.:

I am informed by the learned Advocate for the Appellant (defendant No.3) that the plaintiffs (respondent Nos.1 to 19 herein) have preferred First Appeal, being First Appeal No.121/2004 against the Judgment and Decree dated 28.1.2004, whereby the plaintiffs' suit came to be dismissed.

I am also informed that in the said First Appeal, the present appellant (defendant No.3) has already filed cross objections regarding the dismissal of the counter claim. In this view of the matter, I am satisfied that it is not necessary to go into the legality and correctness of the view of the first appellate Court in holding the appeal not maintainable as the appellant's grievance regarding rejection of counter claim is sub judice before this Court in cross objections already filed by the appellant in First Appeal No.121/2004.

With the aforesaid observations, Second Appeal is disposed of.

R. M. LODHA, J.

sl.